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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,741	12/16/2003	Jeong-Hee Lee	030681-609	3660
BURNS DOANE SWECKER & MATHIS L L P			EXAMINER	
			PATEL,	PATEL, ASHOK
	POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404		ART UNIT	PAPER NUMBER
			2879	
			DATE MAILED: 06/27/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

		H				
	Application No.	Applicant(s)				
Office Antinu O	10/735,741	LEE ET AL.				
Office Action Summary	Examiner	Art Unit				
	Ashok Patel	2879				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	s will be considered timely. the mailing date of this communication. O (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on	_•					
2a) This action is FINAL . 2b) This	action is non-final.					
3) Since this application is in condition for allowan	3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is					
closed in accordance with the practice under E	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4)⊠ Claim(s) <u>1-43</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdraw	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.						
6)☐ Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.	·					
8) Claim(s) <u>1-43</u> are subject to restriction and/or e	election requirement.					
Application Papers						
9) The specification is objected to by the Examiner	r.	•				
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)☐ The oath or declaration is objected to by the Ex						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the prior						
application from the International Bureau						
* See the attached detailed Office action for a list of	of the certified copies not receive	d.				
A.						
Attachment(s) 1) Notice of References Cited (PTO-892)	∧ □	/PT				
Notice of References Cited (P10-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Ll Interview Summary (Paper No(s)/Mail Da	(PTO-413) te				
Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date		atent Application (PTO-152)				

Page 2

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6, drawn to a field emission device, classified in class 313, subclass 495.
 - II. Claims 7-43, drawn to a method of making the field emission device, classified in class 445, subclass 50.
- 2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, one of ordinary skill in the art would be able to make the claimed product by using a selective machining process instead of the claimed process of using the etchant, as recited in all independent claims.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by

their different classification, restriction for examination purposes as indicated is proper.

- 4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
- 5. A telephone call was made to Mr. Charles Wieland III on June 21, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.
- 6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Art Unit: 2879

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is (571) 272-2456. The examiner can normally be reached on M-F, 7AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ashok Patel Primary Examiner

Art Unit 2879